

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KAREN DENISE BAILEY,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

BERNITA LYNN HENDERSON-BAILEY,

Respondent-Appellant.

and

ARTHUR VERNON BAILEY,

Respondent.

In the Matter of KAREN DENISE BAILEY,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ARTHUR VERNON BAILEY,

Respondent-Appellant,

and

BERNITA LYNN HENDERSON-BAILEY,

Respondent.

UNPUBLISHED
February 12, 2004

No. 249652
Wayne Circuit Court
Family Division
LC No. 97-350161

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Before: Cavanagh, P.J., and Gage and Zahra, JJ.

MEMORANDUM.

In these consolidated appeals, respondents appeal as of right from the trial court's order terminating their parental rights to the minor child under MCL 712A.19b(3)(g), (i), and (j). We affirm.

Both respondents argue that the trial court erred in finding a statutory ground for termination. We disagree. The minor child at issue in this case was respondents' ninth child. The evidence showed that respondents have a long history of substance abuse and that their parental rights were previously terminated to their eight other children, seven of whom tested positive for cocaine at birth. Respondent-mother acknowledged she did not receive prenatal care and she admitted using cocaine while pregnant with the minor child in this case. Both respondent-mother and the child tested positive for cocaine when the child was born, and the child was born very underweight. Respondent-father was aware that respondent-mother did not receive prenatal care. And, while respondent-father claimed he was not aware of respondent-mother's drug use before the birth of the child, respondents were living together at the time and it was a known fact that seven of the children to which respondents' parental rights were previously terminated had tested positive for cocaine at birth. In addition, respondents lacked suitable housing at the time of the termination hearing. Under the circumstances, the trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999).

Further, the evidence did not show that termination of respondents' parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356; 612 NW2d 407 (2000). Thus, the trial court did not err in terminating respondents' parental rights to the child.

Affirmed.

/s/ Mark J. Cavanagh

/s/ Hilda R. Gage

/s/ Brian K. Zahra